

CPS-140

February 24, 2006

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **05-4877**

UNITED STATES OF AMERICA

VS.

DONALD G. JACKMAN, JR.

(W.D. Pa. Crim. No. 00-cr-00072; Civ. No. 04-cv-01098)

Present: BARRY, SMITH AND NYGAARD, CIRCUIT JUDGES

Submitted are:

- (1) By the Clerk for possible dismissal due to a jurisdictional defect;
- (2) Appellant's response in opposition to dismissal due to a jurisdictional defect;
- (3) Appellee's response on dismissal for jurisdictional defect; and
- (4) Appellee's motion for summary action;

in the above-captioned case.

Respectfully,

Clerk

MMW/DPW/mc/crg

ORDER

The foregoing appeal is dismissed for lack of appellate jurisdiction to the extent Appellant has appealed the denial of his: (1) motion for summary judgment; (2) motions for production of audio tapes; (3) motion for leave to file discovery; (4) motion to compel discovery; (5) motion for judicial review of the Freedom of Information Act (FOIA) denial; and (6) motion for judicial review. The District Court's Order entered on October 18, 2005 is not final within the meaning of 28

U.S.C. § 1291 to the extent it denied these motions. See Midland Asphalt Corp. v. United States, 489 U.S. 794, 798 (1989). We summarily affirm the District Court's Order entered October 18, 2005 to the extent it denied Appellant's renewed motion for bond. See United States v. Smith, 835 F.2d 1048, 1049-50 (3d Cir. 1987).

By the Court,

/s/ Maryanne Trump Barry
Circuit Judge

Dated: March 24, 2006

CRG/cc: Mr. Donald G. Jackman Jr.
Laura S. Irwin, Esq.

Certified as a true copy and issued in lieu
of a formal mandate on 5/15/06

Teste: 
Clerk, U.S. Court of Appeals for the Third Circuit